

**ZONING COMMITTEE
MINUTES
WEDNESDAY, JULY 1, 2009**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, July 1, 2009** in Council Chambers, at 11:20 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Natalyn Archibong, Vice Chair
The Honorable Carla Smith
The Honorable Anne Fauver
The Honorable Howard Shook
The Honorable Mary Norwood**

The following member was absent:

The Honorable C. T. Martin

Others present at the meeting were: Zoning Administrator Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorney Lem Ward, Law Department; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ADDING ONE PIECE OF LEGISLATION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ZRB SUMMARY REPORT**
- D. ORDINANCES FOR SECOND READING**

09-O-1079 (1) An **Amended** Ordinance by Zoning Committee to amend Ordinance
U-84-20 U-84-20, as adopted by the City Council on August 6, 1984 and
approved by the Mayor on August 8, 1984, for the purposes of
approving a transfer of ownership for a Community Service Facility
for property located at **320 W. Paces Ferry Road, NW**; and for
other purposes.

**Councilmember Shook made a motion to approve as amended.
The vote was unanimous.**

FAVORABLE AS AMENDED

09-O-1106 (2) An Ordinance by Councilmembers Anne Fauver and Kwanza Hall
extending the time of operation of the transferable development
rights Special Use Permit approved by Ordinance 08-O-0653 (U-
08-14); to repeal conflicting ordinances; and for other purposes.

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D. ORDINANCES FOR SECOND READING (CONT'D)

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

- 09-O-1107 (3) An Ordinance by Councilmembers Anne Fauver and Kwanza Hall extending the time of operation of the transferable development rights Special Use Permit approved by Ordinance 08-O-1145 (U-08-19); to repeal conflicting ordinances; and for other purposes.

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

- 09-O-1108 (4) An Ordinance by Councilmember Kwanza Hall to authorize the installation of Public Art at 1600 Peachtree Street, NW, Atlanta, GA 30309 pursuant to Section 16-28.025 of the City of Atlanta Land Development Code; and for other purposes.

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

E. ORDINANCE FOR FIRST READING

- 09-O-1192 (1)
Z-09-27
- An Ordinance by Zoning Committee to rezone from the RG-3 (Residential General-Sector 3) District to the MR-5A (Multi-Family Residential) District and RG-3C (Residential General-Sector 3-Conditional) District, property located at **240 Colonial Homes Drive, NW**, fronting approximately 875 feet on the north and south side of Colonial Homes Drive beginning approximately 680 feet from the west corner of Peachtree Road.

Depth:	Varies
Area:	Approximately 20.76 Acres
Land Lots:	110 and 111, 17 th District, Fulton County, Georgia
Owner:	Pope and Land Enterprises, Inc.
Applicant:	Pope and Land Enterprises, Inc.
NPU-C	Council District 8

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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F. PAPERS HELD IN COMMITTEE

- 06-O-0273 (1) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

- 06-O-0007 (2)
Z-05-65
- An Ordinance by Councilmember Carla Smith
as amended by Zoning Committee to rezone the portion of
the property located at 1821 W. Anderson Avenue that is
zoned R-4 (Single Family Residential) to the O-I (Office
Institutional) Classification, to issue a Special Use Permit for
the subject property; and for other purposes. **(Held 6/28/06
at the request of Councilmember of the District)**

HELD

- 06-O-0022 (3) An Ordinance by Councilmember Carla Smith
U-05-22 to issue a Special Use Permit for a Nursing Home at **1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive the 2,000 foot distance requirement for this location; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

- 06-O-0955 (4)
Z-06-44 A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth: Varies
Area: Approximately 8.719 Acres
Land Lot: 55, 14th District, Fulton County, Georgia
Owner: Jack and Harvey Taffel
Applicant: Chaz E. Waters/Skyline Partners, LLC.
NPU-Y Council District 1

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1927 (5) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

- 06-O-1445 (6) An Ordinance by Zoning Committee to rezone from the R-G-3
Z-06-74 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**

Depth: Varies

Area: Approximately 27 Acres

Land Lot: 15, 14th District, Fulton County, Georgia

Owner: Atlanta Neighborhood Development Partnership

Applicant: Marvin Greer

NPU-H

Council District 10

HELD

- 06-O-1888 (7) An Ordinance by Community Development/Human
CDP-06-65 Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(Public Hearing**

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F. PAPERS HELD IN COMMITTEE (CONT'D)

held 9/11/06) (Filed by CD/HR Committee 11/27/07)
(Held 5/2/07 at the request of Councilmember of the
District)

NPU-H
HELD

Council District 1

- 07-O-2594 (8) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

HELD

- 06-O-2697 (9) An Ordinance by Councilmember Carla Smith to amend
Z-06-144 Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. **(Held 1/30/08)**

HELD

- 07-O-2527 (10) A **Substitute Ordinance as amended** by Zoning Committee
Z-07-113 to rezone from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, property located at **430 and 460 Englewood Avenue, SE**, fronting approximately 678 feet on the north side of Englewood Avenue beginning approximately 132 feet from the northeast corner of Mailing Avenue. **(Held 4/29/09)**

Depth: Approximately 1,010 Feet
Area: Approximately 10.32 Acres
Land Lot: 42, 14th District, Fulton County, Georgia
Owner: JWGST LLC/Joseph Wiles
Applicant: Jason Fritz
NPU-Y

Council District 1

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

08-O-2125 (11) A **Substitute** Ordinance by Zoning Committee to rezone from
Z-08-73 the R-4 (Single Family Residential) and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, property located at **1146 Portland Street, SE, 1152 Portland Street, SE, 1131 Glenwood Avenue, SE, 1137 Glenwood Avenue, SE 525/527 Moreland Avenue, SE, 529 Moreland Avenue, SE, 535 Moreland Avenue, SE and 537 Moreland Avenue, SE** fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue. **(Held 5/27/09)**
Depth: Varies
Area: Approximately 1.75 Acres
Land Lot: 12, 14th District, Fulton County, Georgia
Owner: George Rohrig
Applicant: Joseph Alcock
NPU-W Council District 1

HELD

09-R-1066 (12) A Resolution by Councilmembers Anne Fauver and Kwanza Hall extending the time of operation of the Transferable Development Rights Special Use Permit approved by Ordinance 08-O-1145 (U-08-19); and for other purposes. **(Held 06/10/09)**

FILE

09-R-1067 (13) A Resolution by Councilmembers Anne Fauver and Kwanza Hall extending the time of operation of the Transferable Development Rights Special Use Permit approved by Ordinance 08-O-0653 (U-08-14); and for other purposes. **(Held 06/10/09)**

FILE

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F. PAPERS HELD IN COMMITTEE (CONT'D)

09-O-0843 (14)
Z-09-16

An **Amended** Ordinance by Zoning Committee to rezone from the R-4 (Single Family Residential) District to the RG-2 (Residential General-Sector 2) District, property located at **230 Westview Place, SW**, fronting approximately 99.9 feet on the east side of Westview Place beginning 196.5 feet from the southwest corner of Mims Street and Westview Place. **(Held 7/01/09)**

Depth:	Varies
Area:	Approximately 3.7 Acres
Land Lot:	141, 14 th District, Fulton County, Georgia
Owner:	Berean Community Development Corporation
Applicant:	Berean Community Development Corporation
NPU-K	Council District 4

G. ITEM NOT ON THE AGENDA

09-O-0855 (1)
CDP-09-25

A **Substitute Ordinance as amended** by Community Development/Human Resources Committee to amend the Land Use Element of the 2008 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **230 Westview Place, SW** from the Single Family Residential Land Use Designation to the Low Density Residential Land Use Designation (Z-09-6); and for other purposes. **(Held 5/26/09) (Public Hearing held 6/08/09)**

NPU-K

Council District 4

SUMMARY REPORT
July 6, 2009

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE</u>						
09-O-0501	Z-09-10	126, 130, 134, 140 Mayson Avenue, NE and 1469, 1471, 1472 (also known as 1470), 1473, 1475, 1477, 1479, 1481, 1483 Chipley Street, NE O-5	MR-3 to MR-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve. The vote was unanimous.						
09-O-0503	Z-09-12	18, 24, 30, 36, 42, 48, 54 Montgomery Street, SE and 19, 25, 31, 37, 43, 47, 53 Hutchinson Street, SE O-5	MR-3 to MR-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve. The vote was unanimous.						
09-O-0813	Z-09-17	153, 157, 161, 165, 169, 175, 179, 183 and 187 Lowry Street, NE O-5	MR-3 to MR-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve. The vote was unanimous.						
09-O-0814	Z-09-18	144 and 148 Mayson Avenue, NE and 1474, 1476, 1478, 1480, 1482 and 1484 Chipley Street, NE O-5	MR-3 to MR-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve. The vote was unanimous.						
09-O-0815	Z-09-19	90, 94, 98, 102 and 106 Mayson Avenue, N.E O-5	MR-3 to MR-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve. The vote was unanimous.						

SUMMARY REPORT
July 6, 2009

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM	ZRB RECOMM
<u>FAVORABLE AS AMENDED</u>						
09-O-0207	U-09-02	985 Smith Street, S.W. V-4	Special Use Permit- Personal Care Home	Approval Conditional	No Recommendati on	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
09-O-0845	U-09-08	690 Courtenay Drive, N.E. F-6	Special Use Permit-Site Plan Amendment- Rehabilitation Center	Approval Conditional	Approval	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
<u>FAVORABLE ON SUBSTITUTE</u>						
09-O-0485	U-09-04/U-09-98	2699 Peachtree Road, N.E., 43, 51, 58 and 66 Peachtree Way, N.E., 11 and 65 East Wesley Road, N.E. B-7	Special Use Permit-Site Plan Amendment-Church	Approval Conditional of Substitute Ordinance	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve on substitute. 1 Abstention (Shook).						
09-O-0841	Z-09-13	2699 Peachtree Road, N.E. B-7	RG-4 and R-4 to RG-4 and RG-2	Approval of Substitute Ordinance	Approval	Approval of Substitute Ordinance
Councilmember Smith made a motion to approve. 1 Abstention (Shook)						
09-O-0502	Z-09-11	1412, 1416, 1418, 1420, Hardee Street, SE and 84, 86, 90, 96, 104, 108, 112, 116, 120, 124, 128, 134, 140, 146, 150, 156, 162 , 166, 170, 174 and 178 Hutchinson Street, SE (O-5)	MR-3 to RG-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve. 1 Abstention (Shook)						

SUMMARY REPORT
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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM	ZRB RECOMM
09-O-0499	Z-09-09	Greenbriar Special Public Interest 20 P-11	Text Amendment	Approval Conditional	Approval Conditional	

Councilmember Smith made a motion to approve on substitute. The vote was unanimous.

ADVERSE

09-O-0486	U-09-05	2410 Benjamin E. Mays Drive, S.W. I-11	Special Use Permit- Personal Care Home	Denial	Denial	Denial
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Councilmember Smith made a motion to adverse The vote was unanimous.

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There being no further business to come before the Zoning Committee the meeting was adjourned at 11:55 a.m.

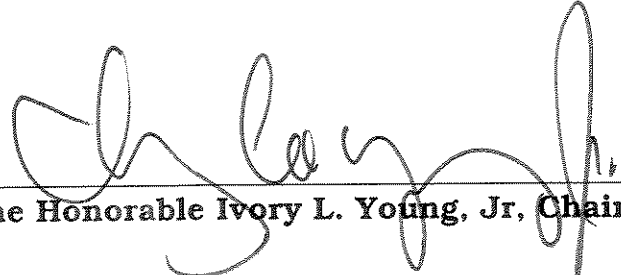
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory L. Young, Jr, Chair